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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

CHRISTINA MCCLELLAN,

Civ. No. 07-1309-AA

Plaintiff,

VERDICT FORM

v.

I-FLOW CORPORATION, a  
Delaware corporation  
et al.,

Defendants.

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We, the jury, find as follows:

STRICT PRODUCTS LIABILITY CLAIM

**Question 1:**

Has plaintiff Christina McClellan proven by a preponderance of the evidence that the PainBuster continuous infusion device was in a defective condition due to inadequate warnings as of September 1, 2004?

ANSWER: Yes \_\_\_\_\_

No X \_\_\_\_\_

If you answered "YES," please proceed to Question 2.  
If you answered "NO," please proceed to Question 5.

**Question 2:**

Has plaintiff Christina McClellan proven by a preponderance of the evidence that the defective condition of the PainBuster continuous infusion device was a substantial factor in causing her injuries and damages as a result of her September 1, 2004 surgery?

ANSWER: Yes \_\_\_\_\_

No \_\_\_\_\_

If you answered "YES," please proceed to Question 3.  
If you answered "NO," please proceed to Question 5.

**Question 3:**

Has plaintiff Christina McClellan proven by a preponderance of the evidence that defendant I-Flow Corporation is strictly liable for her injuries and damages caused by the defective condition, the inadequate warnings, of the PainBuster continuous infusion device?

ANSWER: Yes \_\_\_\_\_

No \_\_\_\_\_

Please proceed to Question 4.

**Question 4:**

Has plaintiff Christina McClellan proven by a preponderance of the evidence that defendant DJO, LLC is strictly liable for her injuries and damages caused by the defective condition, the inadequate warnings, of the PainBuster continuous infusion device?

ANSWER: Yes \_\_\_\_\_

No \_\_\_\_\_

Please proceed to Question 5.

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NEGLIGENCE CLAIM

**Question 5:**

Has plaintiff Christina McClellan proven by a preponderance of the evidence that defendant I-Flow Corporation was negligent in failing to give adequate warnings regarding the use of the PainBuster continuous infusion device as of September 1, 2004?

ANSWER: Yes \_\_\_\_\_

No X

If you answered "YES," please proceed to Question 6.  
If you answered "NO," please proceed to Question 7.

**Question 6:**

Has plaintiff Christina McClellan proven by a preponderance of the evidence that defendant I-Flow Corporation's negligence in failing to give adequate warnings regarding the use of the PainBuster continuous infusion device was a substantial factor in causing her injuries and damages?

ANSWER: Yes \_\_\_\_\_

No \_\_\_\_\_

Please proceed to Question 7.

**Question 7:**

Has plaintiff Christina McClellan proven by a preponderance of the evidence that defendant DJO, LLC was negligent in failing to give adequate warnings regarding the use of the PainBuster continuous infusion device as of September 1, 2004?

ANSWER: Yes \_\_\_\_\_

No X

If you answered "YES," please proceed to Question 8.  
If you answered "NO," please proceed to the instructions following Question 8.

**Question 8:**

Has plaintiff Christina McClellan proven by a preponderance of the evidence that defendant DJO, LLC's negligence in failing to give adequate instructions regarding the use of the PainBuster continuous infusion device was a substantial factor in causing her injuries and damages?

ANSWER: Yes \_\_\_\_\_

No \_\_\_\_\_

If you answered "YES" to Question 3 or Question 4 or Question 6 or Question 8, please proceed to Question 9.

If you did not answer "YES" to any of these questions, your deliberations are concluded. Please have the presiding juror sign and date the verdict form.

PERCENTAGE OF LIABILITY

**Question 9:**

If you found defendants I-Flow Corporation or DJO, LLC strictly liable in Question 3 or Question 4 or found either defendant negligent in Question 6 or Question 8, you must determine the percentage of fault, or liability, of each defendant.

A. I-Flow Corporation

*If you answered "YES" to Questions 3 or 6 you must attribute some percentage of liability to I-Flow Corporation. If you did not answer "YES" to either question, you must attribute 0% liability to I-Flow.*

\_\_\_\_\_ %

B. DJO, LLC

*If you answered "YES" to Questions 4 or 8 you must attribute some percentage of liability to DJO, LLC. If you did not answer "YES" to either question, you must attribute 0% liability to DJO.*

\_\_\_\_\_ %

These percentages must total 100%.

Please proceed to Question 10.

DAMAGES

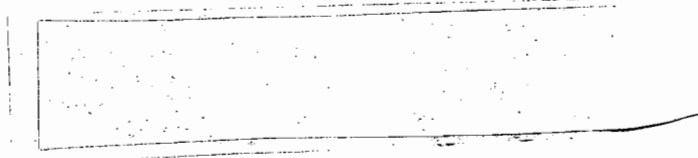
**Question 10:**

If you found defendants I-Flow Corporation or DJO, LLC strictly liable in Question 3 or Question 4 or found either defendant negligent in Question 6 or Question 8, then you may determine what sum of money plaintiff Christina McClellan has proven to a reasonable probability to fairly, justly, and reasonably compensate her for her claimed damages:

A. Economic Damages	\$ _____
B. Non-Economic Damages:	\$ _____
Total Damages	\$ _____

Your deliberations are concluded. Please have the presiding juror sign and date the verdict form.

DATED this 15<sup>th</sup> day of October, 2010.



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PRESIDING JUROR